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U.S. HOUSE OF REPRESENTATIVES

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November 10, 2005

The Honorable Jane Harman
Ranking Member
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Jane:

I received your letter of November 4, 2005, proposing that the Committee conduct a formal investigation with respect to pre-war intelligence on Iraq.

There is overwhelming and authoritative evidence that the failures of pre-war intelligence arose in significant part because our nation's intelligence capabilities had been decimated prior to the war, and because the flawed product of those capabilities was not substantially questioned in light of the existing and widespread bipartisan consensus that Iraq posed a threat of weapons of mass destruction. There is no evidence that the failures of pre-war intelligence arose because of pressure on Intelligence Community professionals to conform their analysis to policy judgments, despite ample, thorough, and fair previous investigation. Our country is at war and we must ensure that the Committee's resources are directed to forward-looking support of our national security against a real and continuing variety of threats.

Accordingly, I have determined, as we have agreed previously, that the energies and resources of the Committee should remain focused on the safety of American lives by reconstituting and overseeing a strong intelligence community to detect and counter the wide variety of threats our nation continues to face every day. These issues are too important to divert the Committee's activities to partisan agendas.

I intend for the Committee to maintain its attention to these priorities:

- Formation and Implementation of the Office of the DNI
- Review of current threats and matching those threats to intelligence resources, including technical architecture and rebuilding human intelligence
- Vigorous oversight of ongoing intelligence programs;

- Establishing metrics for Intelligence Community performance and holding the IC and its contractors accountable for lack of performance; and
- Continuing and careful oversight of unauthorized disclosure of classified information including, where warranted and consistent with pending criminal investigations, review of specific cases.

In addition, Senator Roberts and I share an understanding that we will keep each other informed as to the progress of our work in areas of common concern, including the issue of pre-war intelligence (on which the Senate will continue its oversight) and the issue of unauthorized disclosures of classified information (on which the House will continue its oversight).

Because the issues implicated by your letter are significant ones, I believe it is important to provide a more detailed explanation, with additional information in a classified annex.

Intelligence Capabilities in the Late 1990s

At the outset, I believe that understanding the overall environment in which pre-war intelligence was developed is the key to understanding the resulting deficiencies. At the close of the previous decade, our nation's intelligence capabilities had been decimated by steep declines in investment and the creation of a culture detrimental to collection and analysis of intelligence. As a result, the Intelligence Community was poorly equipped to gather substantial information on the question of weapons of mass destruction.

Decline in Resources

The declines in investment, despite repeated and significant congressional additions, reduced our support for intelligence by billions of dollars, resulting in more than a 22% reduction in personnel. Human intelligence capabilities were heavily impacted, with the closure of stations worldwide, and technical programs were eliminated, delayed, and stretched thin. As a result, we had limited to no access to the planning and intentions of our adversaries, fragile technical systems relied on outdated infrastructure, and training for linguists and operators was limited.

During the early to mid 1990's, President Clinton made significant cuts to the size and scope of the CIA's clandestine service, seriously hindering our capabilities to collect against the emerging terrorist threat. The policies implemented by President Clinton would ultimately result in large gaps in what we knew and didn't know about al-Qaida leading up to 9/11.

- Beginning in 1993, President Clinton implemented the first of six straight budgets diminishing both the numbers and talent of our collection capabilities. (www.nytimes.com/2004/05/11/politics/11intel.html?hp)

- Reflecting back on his first days as DCI in 1997, George Tenet said “The infrastructure to recruit, train and sustain officers for our clandestine service . . . was in disarray.” (www.nytimes.com/2004/05/11/politics/11intel.html?hp)
- In 1999, the clandestine service reached its low point, with only 25 new trainees becoming officers. (9/11 Commission Report, p. 90)
- 9/11 investigators discovered that despite al-Qaida’s footprints in attacks against the United States, President Clinton focused efforts and resources on the Balkans and the India-Pakistan nuclear crisis. Officers were taken from across the service to respond to the immediate problem and an already depleted service was being stretched even thinner. (9/11 Commission Report, p. 90) These efforts ultimately proved fruitless -- wanted war criminals Radovan Karadzic and Ratko Mladic have not yet been located to this day.
- Our government maintained a formal legal “wall” inhibiting information sharing between the intelligence community and law enforcement.
- Director of Central Intelligence Woolsey said that he saw President Clinton one-on-one “only twice in two years.” (Insight, October 15, 2001)

By the time (1999) the Administration realized the dilemma they had created, it was too late. In his testimony to the 9/11 Commission, Tenet said the clandestine service was still 5-7 years away from being fully ready to play its counterterrorism role. (9/11 Commission Report, p. 90)

The Deutch Doctrine – “No Incidents”

Simultaneously, the “Deutch Doctrine”— which required the CIA to consider a potential source’s human rights or criminal record before recruitment and to end contact with current sources with questionable backgrounds—severely limited the CIA’s ability to collect intelligence on “hard targets” like terrorism and WMD proliferation. According to public reports:

- Recruiting a source with a questionable record required the approval of multiple senior Headquarters managers. (http://www.cia.gov/cia/publicaffairs/speeches/1996/dci_speech_090596.html)
- The policy change led to the resignation of a number of key officers who felt that the change would constrain their ability to operate effectively, including the Chief of Central Eurasia Division, the Chief of Station in Amman, and other officers who were skilled in Arabic languages and had invaluable operational experience. (http://www.nationalobserver.net/2002_summer_106.htm)
- Remaining CIA officers interpreted the onerous rules as a sign that the recruitment of sources with questionable backgrounds was not encouraged—no

matter what information they could offer. ("Lawmakers See Need to Loosen Rules on C.I.A.", New York Times, 16 September 2001)

- The Bremer Commission concluded that "In practice, these procedures have deterred and delayed vigorous efforts to recruit potentially useful informants. The CIA has created a climate that is overly risk averse. This has inhibited the recruitment of essential, if sometimes unsavory, terrorist informants and forced the United States to rely too heavily on foreign intelligence services. The adoption of the guidelines contributed to a marked decline in Agency morale unparalleled since the 1970s, and a significant number of case officers retired early or resigned." The National Commission on Terrorism, The Changing Threat of International Terrorism, June 2000, (<http://www.mipt.org/bremerreport.asp>).

In addition, oversight by the Committee has established that the United States had sparse intelligence assets collecting information regarding China during this period.

Increasing Threats

The limited resources, further constrained in implementation by risk-averse operational policies, were arrayed against an ever-increasing series of threats. Usama bin Ladin was building a robust network of terrorist cells, led by al-Qaida, capable of carrying out attacks on the "infidels", a word he often uses when referring to the United States. There were clear signs early in the Clinton Administration that al-Qaida had played a role in attacks against the United States. If bin Ladin's intentions were still not clear, he was unambiguous in his 1996 fatwa declaring war against America.

- On February 26, 1993, only weeks after President Clinton was sworn-in as President, terrorists attack the World Trade Center. The bomb left six people dead and 1,000 injured. (9/11 Commission Report, p.60)
- June 25, 1996, terrorists attack the Khobar Towers housing facility in Saudi Arabia, killing 19 U.S. military personnel and wounding 515 persons. Although it has not been confirmed, the 9/11 Commission Report indicates there is reason to believe al-Qaida played a role in the attack. (9/11 Commission Report, p. 60)
- From 1997-2001, the 9/11 Commission Report identified only one National Intelligence Estimate on terrorism (1997), and it only briefly mentioned bin Ladin. No subsequent national estimate would authoritatively evaluate the danger until after 9/11. (9/11 Commission Report, p.118)
- August 7, 1998, terrorist carry out simultaneous attacks on U.S. embassies in Kenya and Tanzania. The 9/11 Commission Report provides directly links Usama bin Ladin to the blasts that left hundreds dead. (9/11 Commission Report, p. 70)
- October 12, 2000, supporters of Usama bin Ladin attacked the USS Cole killing 17 U.S. sailors. (9/11 Commission Report, p. 190)

- From 1996-2001, U.S. intelligence estimates put the number of terrorists trained at Usama bin Laden terrorist camps in Afghanistan between 10,000-20,000 terrorists. Lack of resources prevented necessary reporting to fully understand the magnitude of al-Qaida operations. (9/11 Commission Report, p. 67)

The response to these threats was tepid at best, and the failure to respond encouraged our adversaries to view the United States as a “paper tiger” unable to effectively respond.

- The 9/11 Commission Report identifies a U.S. diplomat who stated in 1996 the State Department viewed South Asia as a low priority, as well as another department official who believed there was no policy with regard to Afghanistan during that time. (9/11 Commission Report, p. 110)
- With regards to using covert action to capture bin Laden, James Pavitt, the assistant head of the Directorate of Operations, expressed concern that “people might get killed.” In the end, the decision was made not to go ahead with the operation to go after bin Laden. (9/11 Commission Report, p. 113)
- In 1997, after bin Ladin’s call for all Muslims to kill Americans, Ambassador to the UN Bill Richardson asked the Taliban to expel bin Ladin. The Taliban rejected the request and assured Richardson that al-Qaida was not a threat. (9/11 Commission Report, p. 111)
- Following the attack on the USS Cole, President Clinton contemplated the use of force, but decided against it because no one could confirm through intelligence that the attack was ordered by al-Qaida. Instead, the State Department made another pitch for the Taliban to expel bin Laden, which was again ignored. The lack of response by America was a huge recruitment tool for bin Ladin. (9/11 Commission Report, p. 209)
- Richard Clarke concluded that U.S. disruption efforts had “not put too much of a dent” in Bin Ladin’s network and that the United States would have to proceed at a “markedly different tempo.” (9/11 Commission Report, p. 182)

Intelligence on Iraq and Weapons of Mass Destruction

The flawed intelligence produced by such dramatically impaired capabilities was not substantially questioned in light of the existing and widespread bipartisan consensus that Iraq posed a threat of weapons of mass destruction.

From 1991 to 2003 Saddam Hussein was repeatedly non-compliant on UN Security Council Resolutions pertaining to the disclosure of weapons of mass destruction and acknowledging human rights violations. The fact that Saddam Hussein had used chemical weapons against his own people, and there were still many unresolved

questions surrounding Iraq's chemical programs, led the international community to believe Saddam Hussein was a serious threat to their national security.

- Saddam Hussein had a history of using chemical weapons. In 1988, Saddam attacked the Kurdish town of Halabja with chemical weapons killing 5,000 Kurds. (Katzman, Kenneth. "Iraq: Former Regime Weapons Programs, Human Rights Violations, and U.S. policy." CRS Report RL32379, Oct. 15, 2004, p. 14)
- Iraqi President, Jalal Talabani reported that Saddam confessed to the Iraqi Special Tribunal that he gave orders to execute thousands of Kurds in the late 1980s. (<http://www.cnn.com/2005/WORLD/meast/09/06/iraq.saddam.confess/>)
- In 1991, UN Security Council Resolution 687 called on Saddam to end its WMD program. From 1991-2003, the UN Security Council passed 17 resolutions requiring Saddam to completely dismantle his WMD program. (Katzman, Kenneth. "Iraq: Former Regime Weapons Programs, Human Rights Violations, and U.S. policy." CRS Report RL32379, Oct. 15, 2004, p. 2)
- In 1998, President Clinton ordered America's Armed Forces to strike military and security targets in Iraq in order to "attack Iraq's nuclear, chemical, and biological programs, and its military capacity to threaten its neighbors." (White House Press Release, December 16, 1998) Three days later, the White House reemphasized that "Saddam Hussein must not be allowed to develop nuclear arms, poison gas, biological weapons, or the means to deliver them." (White House Press Release, December 19, 1998)
- The UNSCOM made progress dismantling and monitoring Iraq's weapons of mass destruction program, but was unable to verify its claim that it had destroyed all Iraqi WMD equipment. Many of these concerns were still unresolved in 2003. (Katzman, Kenneth. "Iraq: Former Regime Weapons Programs, Human Rights Violations, and U.S. policy." CRS Report RL32379, Oct. 15, 2004, p. 1)
- On November 8, 2002, the UN Security Council passed Resolution 1441 that gave Iraq until December 8, 2002, to provide full declaration of all WMD programs. Subsequently, Hans Blix and IAEA head Mohammad Baradei reported Iraq had not fully complied with the resolution. (Katzman, Kenneth. "Iraq: Former Regime Weapons Programs, Human Rights Violations, and U.S. policy." CRS Report RL32379, Oct. 15, 2004, p. 4)

The Hardening of Conventional Wisdom

Saddam's previous history with weapons of mass destruction, combined with international efforts to force him to dismantle the program, quickly developed into a bipartisan conventional wisdom that Iraq continued to pose a significant threat with regard to weapons of mass destruction. Successive administrations asserted Iraq was a

threat to U.S. interests. It was believed that Iraq retained the expertise and intention to rebuild its nuclear program.

- On February 1, 1998, Madeleine Albright said, "We must stop Saddam from ever again from jeopardizing the stability and the security of his neighbors with weapons of mass destruction." (www.cnn.com/WORLD/9802/01/iraq)
- On February 18, 1998, Sandy Berger said, "He will use those weapons of mass destruction again as he has 10 times since 1983." (www.usatoday.com/news/index/iraq/iraq172.htm)
- On February 18, 2002, Madeline Albright said, "Iraq is a long way from here, but what happens there matters a great deal here, for the risk that the leaders of a rogue state will use nuclear, chemical or biological weapons against us or our allies is the greatest national security threat we face."
- On September 18, 2002, Secretary Rumsfeld said, "His regime has amassed large, clandestine stockpiles of biological weapons—including anthrax and botulism toxin, and possibly smallpox." (<http://www.defenselink.mil/speeches/2002/s20020918-secdef.html>)
- On September 23, 2002, Al Gore said, "We know that he has stored nuclear supplies, secret supplies of biological weapons throughout his country." (www.washingtonpost.com/wp-srv/politics/transcripts/gore_text092302.html)

In addition, it was widely believed by Members of Congress that Saddam posed a threat, and that he was either sitting on a stockpile of WMD's or still maintained the capabilities to produce these weapons.

- On August 27, 2002, you said, "I certainly think Hussein's developing nuclear capability which, fortunately, the Israelis set back 20 years ago with their preemptive attack which, in hindsight, looks pretty darn good." (Fox News "The Big Story," August 27, 2002)
- On September 19, 2002, Senator Carl Levin said, "We begin with the common belief that Saddam Hussein is a tyrant and a threat to the peace and stability of the region. He has ignored the mandate of the United Nations and is building weapons of mass destruction and the means of delivering them." (<http://levin.senate.gov/senate/statement.cfm?id=211370>)
- On September 27, 2002, Senator Ted Kennedy said, "We have known for many years that Saddam Hussein is seeking and developing weapons of mass destruction." (<http://kennedy.senate.gov/~kennedy/statements/02/09/2002927718.html>)

- On October 10, 2002, Senator Jay Rockefeller said, "'There is unmistakable evidence that Saddam Hussein is working aggressively to develop nuclear weapons and will likely have nuclear weapons within the next five years ... We also should remember we have always underestimated the progress Saddam has made in development of weapons of mass destruction.'
(<http://rockefeller.senate.gov/news/2002/flrstmt0102002.html>)
- There is no doubt that the regime of Saddam Hussein possesses weapons of mass destruction. And at -- and as this operation continues, those weapons will be identified, found, along with the people who have produced them and who guard them.
(http://www.centcom.mil/CENTCOMNews/News_Release.asp?NewsRelease=20030344.txt)

It was not just in the United States that government officials believed Saddam Hussein was deceiving the international community about Iraq's stockpile of weapons and its intention to pursue additional weapons programs in the future.

- Speaking before the House of Commons, Prime Minister Tony Blair said, "Saddam's regime is despicable, he is developing weapons of mass destruction, and we cannot leave him doing so unchecked." (Speech before the House of Commons, April 10, 2002)
- Blair also said, "the Intelligence is clear: Saddam continues to believe his WMD program is essential both for internal repression and for external aggression."
(www.number-10.gov.uk/output/Page3088.asp)
- In November 2002, President Chirac said, "One thing is clear at the present stage of play, and that is the Iraqi authorities must fully understand that they can no longer remain in a situation in which there is a doubt over whether or not they have weapons of mass destruction." ("Chirac says Iraq must cooperate with weapons inspectors." Associated Press, March 2, 2003)
- In January 2003, French Foreign Minister Dominique de Villepin said, "the new round of weapons inspections has been successful and that Iraq's weapons programs are either blocked or frozen." These comments confirm that France believed Iraq still had programs in place to build weapons of mass destruction. ("France: Iraq Weapon Decision Confirms Inspections Working." Dow Jones International News, February 28, 2003)

The Inability of the Intelligence Community to Counter the Conventional Wisdom

As a result of the substantial resource and policy deficiencies described earlier, the Intelligence Community was wholly unequipped to collect meaningful intelligence to

counter the “conventional wisdom” that had developed with regard to weapons of mass destruction in Iraq.

- “From 1991-1998, the IC relied too heavily on United Nations (UN) inspectors to collect information about Iraq’s weapons of mass destruction program and did not develop a sufficient unilateral HUMINT collection effort targeting Iraq to supplement UN-collected information and to take its place upon the departure of UN inspectors... **The Intelligence Community did not have a single HUMINT source collecting against Iraq’s weapons of mass destruction program in Iraq after 1998.**” (SSCI Report on the US Intelligence Community’s Pre-War Intelligence Assessments on Iraq, Conclusions, pg. 10)
- “The CIA had no [redacted] sources on the ground in Iraq reporting specifically on terrorism.” (Ibid., pg. 27)
- “We had precious little human intelligence, and **virtually no useful signals intelligence**, on a target that was one of the United States’ top intelligence priorities.” (WMD Commission Report, pg. 157)

Congressional Acceptance of the Conventional Wisdom

From the late 1990s onward, the Committee received numerous briefings from the Intelligence Community describing an ongoing WMD program in Iraq and held related hearings. The raw intelligence underlying the IC assessment of the program and the threat it posed to U.S. interests were available to members of the Committee and, in some circumstances, to all members of the House. In that sense, the question of “politicization” becomes irrelevant, as Members of Congress had the opportunity to review the raw data and reach their own independent conclusions. The record of Committee proceedings strongly suggests that the fundamental premises underlying the conventional wisdom were not widely questioned by members. Additional information on this subject is available in the classified annex to this letter.

The Question of Politicization

This ample evidence strongly suggests that pre-war intelligence failed not because it was politicized, but more simply because the Intelligence Community failed. From the standpoint of investigating discrete specific failures and shortcomings, the painstaking and detailed work of the President’s Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction strongly supports the same general conclusion, and I see little value in redoing its excellent work, of which I know you have been supportive.

You specifically suggested the Committee should investigate whether Intelligence Community professionals were pressured to conform their analysis to policy judgments by Administration officials, and other related issues. As you know, these issues have already been substantially reviewed on multiple occasions, most notably by the WMD

Commission and the Butler Review in the United Kingdom. Neither of these thorough and independent reviews found any evidence to support claims of this nature, and their conclusions have not been seriously questioned.

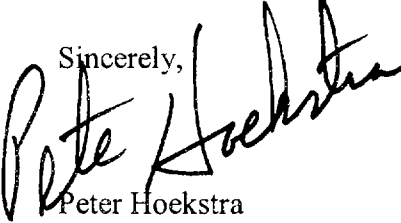
- The WMD Commission specifically concluded that “The Intelligence Community did not make or change any analytic judgments in response to reach a particular conclusion, but the pervasive conventional wisdom that Saddam retained WMD affected the analytic process.” (WMD Commission Report, pg. 188)
- The Commission also noted that it “has investigated this issue closely, querying in detail those analysts involved in formulating pre-war judgments about Iraq’s WMD programs.” It concluded “These analysts universally assert that in no instance did political pressure cause them to change any of their analytical judgments. Indeed, these analysts reiterated their strong belief in the validity and soundness of their pre-war judgments at the time they were made.” (WMD Commission Report, pg. 188)
- The Butler Review in the United Kingdom made two key findings: First, “we have found no evidence of deliberate distortion or of culpable negligence.” Second, “We have found no evidence of JIC [Joint Intelligence Council] assessments and the judgements being pulled in any particular direction to meet the policy concerns of senior officials on the JIC.” (Butler Review, pg. 152)
- The Commission pointed out that the CIA Ombudsman “found no evidence, based on numerous confidential interviews with the analysts involved, that political pressure had caused any analyst to change any judgments.” (WMD Commission Report, pg. 188)

The only evidence you cited in support of conducting an investigation in this regard is the Committee’s investigation with respect to an analyst who had complained of political pressure. A bipartisan investigation of this incident discovered that the analyst had in fact complained about a policy matter and did not believe he had been pressured to change his analysis. Additional details may be found in the classified annex to this letter.

Conclusion

As we have previously discussed on many occasions, I believe that the Committee must continue to look forward to improve the capabilities of the Intelligence Community to detect and counter the wide variety of threats faced by our nation every day instead of returning to well-trod ground. Just this week, we have seen terrorist bombings in Amman, Jordan. Recently, we have faced terrorist bombings in London, and well-publicized threats that have led to precautions in Australia, Baltimore, and New York City.

Our country is at war and our fullest attention must remain dedicated to building the best possible Intelligence Community for the United States. I look forward to continuing to work with you to do so.

Sincerely,

Peter Hoekstra
Chairman